

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

In re APOLLO GROUP, INC.  
SECURITIES LITIGATION

Case No.: C 06-80270 MISC PVT

**ORDER RE DEPOSITIONS OF NON-  
PARTIES JULIE ALBERTSON AND  
MARY HENDOW**

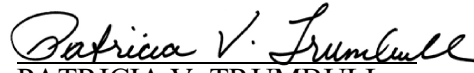
On August 29, 2006, non-parties Julie Albertson and Mary Hendow (“Movants”) filed an application to shorten time for hearing on a motion to quash deposition subpoenas.<sup>1</sup> On September 13, 2006, this matter was referred and reassigned to Magistrate Judge Patricia V. Trumbull. Pursuant to instructions from this court, on September 18, 2006 the parties and Movants filed briefs stating their respective positions as to whether this court should stay the depositions pending hearing of the motion to quash. The court requested this briefing because from the moving papers it appeared there was a potential dispute regarding whether the Movants would be subject to being deposed a second time if this court does not quash the subpoenas as to the document requests. Based on the briefs and arguments presented,

IT IS HEREBY ORDERED that the depositions shall go forward as currently scheduled on September 19 and 20, 2006. Given the firm deadline the trial judge has set for exchange of expert witnesses, and in light of the fact the Movants did not initially request a stay of the depositions, the

<sup>1</sup> The holding of this court is limited to the facts and the particular circumstances underlying the present motion.

1 court finds delay of the depositions is not warranted. Moreover, upon further review of the  
2 Defendant's deposition subpoenas, it appears that many categories of documents requested are for  
3 copies of documents within the possession of Defendant's subsidiary, University of Phoenix, and  
4 thus are already available for Defendant to use at the deposition. Only the production of documents  
5 that are not currently available to Defendant will warrant reopening the depositions, and any such  
6 follow-up depositions will be strictly limited to such documents.

7 Dated: 9/18/06

8   
9 PATRICIA V. TRUMBULL  
United States Magistrate Judge

United States District Court

For the Northern District of California